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10/027,658	12/20/2001	James Michael Shumpert	384.7509USU	1146

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EXAMINER

NGUYEN, TAN D

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/027,658

Applicant(s)

SHUMPERT, JAMES MICHAEL

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed 6/27/2005 has been entered.

### ***Claim Status***

Claims 1-18 are active and are rejected as followed.

### ***Claim Rejections - 35 USC § 101***

The rejections of claims 1, 3-9 under 35 U.S.C. 101 have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The rejections of claims 1-9, 10-18 under 35 U.S.C. 112, second paragraph, on March 15, 2005 has been withdrawn due to applicant's amendment. However, new rejections are as followed.

1. Claims 1-9, 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 1, it's not clear who provides the identity of the business partner or who carries out step (b)?

(2) In claim 1, It's not clear how step (c.) is carried out to fulfill the "matching" step.

(3) In claim 1, step (d) is vague because the phrase "data attribute of said data record with at least one business" is vague since it's not clear what "one business" represents? Since we are trying to match data, therefore the "one business" should include or represent "data" information. It's not clear how step (d) is carried out to

obtain the goal of "determining if said business partner is authentic" if it's not connected to the "matching" step above and it's not clear whether the "data attribute" contains information about the business partner? Or in other word, what is the relationship between steps (c.) and (d)?

(4) Claim 2 recites the limitation "notifying said user of the determination made by step (c.)" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

(5) Claim 7 is vague because there is no "matching step" in step (b) above.

(6) On claim 8, it's not clear how this modifies steps (a)-(d) of claim 1?

(7) Claim 10, which has similar limitations as in claim 1 above, it's rejected for the same reasons, (1) – (3) cited above, as set forth in claim 1 above.

(8) Claim 11 recites the limitation "said processing means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

(9) Claim 16 recites the limitation "said matching means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

(10) In claim 17, it's not clear how this modifies or relates to elements of claim 1 above?

(11) Claim 18 recites the limitation "said credential" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

2. Claims 1-9, 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over GUSTAFSON alone or in view of CAMACHO et al (US 2003/020 8648).

As for independent method claim 1, GUSTAFSON, cited in the Background of the Invention pages 1-2, discloses a computer-implemented method for determining authenticity of a **business entity** (company, or **corporation XYZ**, etc.) in response to a request of a user {see col. 1, lines 23-25 (or c1:23-25) "*user has an interest in making a sale on credit to XYZ Corp.*", c12:43-50 "*direct on-line connection*", or claim 9 "*In a computerized system*" ) comprising:

(a) receiving a request of a user to determine authenticity of a **business entity**;

(b) providing an identity of a business entity (name of the company);

(c.) matching said identity of the business entity to a business data record of a business, that is one of a plurality of businesses, wherein said data record is stored in a business data, and wherein said data record includes one data attribute (name, address, telephone number, etc.) {see Fig. 1 (14), Fig. 6 (50), col. 2, lines 48-55 (or c2:48-55 for simplification), c6:9-35, especially claim 12}, and

(d) processing one or more of said at least one data attribute of the data record with at least one business according to a set of authentication rules (algorithms for statistical comparison) to determine the authenticity of the business entity {see col. 1, lines 30-37 ("**A determination must then be made as to *whether* the identified XYZ Corp. is *the same* as the given entity XYZ Corp**")}. GUSTAFSON fairly teaches the

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claimed invention except for the business entity is a business partner. However, the term “partner” is a relative language, as shown in col. 1, lines 22-30, the user has the interest in making a sale on credit to XYZ Corp., therefore, it would have been obvious to call a buyer in a business environment a “partner” to promote friendship and /or relationship which would encourage the buyer to come back for more business due to relationship. Moreover, the role of the XYZ Corp. to the user or its function as a partner is non-functional data and has no patentable weight.

CAMACHO et al is cited to teach the use of business rules for authenticating a business entity in order to (or for the benefits of) further protecting the user and provider from fraud or misuse by unauthorized individuals {see [0009, 0027], Fig. 9A}. It would have been obvious to modify the authentication method of GUSTAFSON by using authentication rules as taught by CAMACHO et al for the benefits of protecting the user and provider from fraud or misuse by unauthorized individuals, as taught above.

**As for dep. claim 2** (part of 1) which deals with further limitation of notifying the user and carrying out these steps automatically using a computer, the notifying step is inherently taught in Fig. 5 (66) or c11:35-40 wherein the “follow up” normally reads over contacting or notifying the user. As for the limitation of using a computer, this is taught in claim 10. Also, this is rejected over CAMACHO et al [0028].

**As for dep. claims 3-5** (part of 1), which deals with the forms of entry of data, i.e. standard template (or table or vertical form entries) for entry on computer, these are inherently included in the entry of GUSTAFSON which also use computer and online connection with the database {see Fig. 1 (10), Fig. 2 (20), Fig. 3 “Entry”, c12:44-60}.

rejected for the same reasons set forth in claim 1 above with the means to carry out the steps cited in GUSTAFSON.

**As for dep. claims 11-14, 16** (part of 10), which have similar limitations as in dep. claims 2-5, 7 (part of 1) respectively, they are rejected for the same reasons set forth in claims 2-5, 7 above.

**As for dep. claims 15, 17-18** (part of 10), which have similar limitations as in dep. claims 6, 8-9 (part of 1) respectively, they are rejected for the same reasons set forth in claims 6, 8-9 above.

### ***Response to Arguments***

3. Applicant's arguments filed 6/27/05 have been fully considered but they are not persuasive.

1) Applicant's comment that the authenticating of a business partner may include determining whether a business entity is a viable (real or not) business partner, this is fairly taught in GUSTAFSON as shown in col. 1, lines 23-33. As for the term "partner", this is a relative language, as shown in col. 1, lines 22-30, the user has the interest in making a sale on credit to XYZ Corp., therefore, it would have been obvious to call a buyer in a business environment a partner to promote friendship and /or relationship. Moreover, the role of the XYZ Corp. to the user or its function as a partner is non-functional data and has no patentable weight other than a business entity.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**As for dep. claim 6** (part of 1), which deals authentication rules parameters, i.e. one or more current transactions with trade references, this is not taught in GUSTAFSON. However, CAMACHO et al discloses a method for authenticating an entity using authentication rules require one more current transactions with trade references {see Fig. 2 (212, 214, 216, 204), 0030, 0035, 0047, 0047, 0049} in order to (or for the benefits of) further protecting the user and provider from fraud or misuse by unauthorized individuals {see [0027]}. It would have been obvious to modify the authentication method of GUSTAFSON by using authentication rules require one more current transactions with trade references as taught by CAMACHO et al for the benefits of protecting the user and provider from fraud or misuse by unauthorized individuals.

**As for dep. claim 7** (part of 1), which deals with an option, i.e. if step (b) fails to find a match, this carries no patentable weight since the examiner takes the position that step (b) is not failing.

**As for dep. claims 8-9** (part of 1), which deal with authentication rules parameters, i.e. credential of the entity and wherein the credential is selected from one of the group consisting of purchase or financial account, etc., these are taught in CAMACHO et al on {[0012 "*credential*"], [0032], [0047], or Fig. 7A (410c), (410d), (414a)}. The use of other similar financial credentials or credential parameters would have been obvious as mere using other similar credentials to achieve the same results.

**Similarly, as for independent Apparatus claim 10**, which has similar scope and elements as in claim 1 since it's the apparatus to carry out the method of claim 1, with limitations of "means for" for carrying out steps (a) –(c) as shown in claim 1, it's



1) US 2002/0157029 is cited to teach a system and method for authentication of users on the network.

2) US 2003/0105762 is cited to teach a method and system for person data authentication and management.

3) US 2002/0091945 is cited to teach verification engine for user authentication.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

No claims are allowed.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 7:00 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. My personal Fax is (703) 872-9674. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
November 14, 2005

  
DEAN T. NGUYEN  
PRIMARY EXAMINER